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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,439	09/16/2003	Takami Hasegawa	K-2130	9836

7590

10/06/2006

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EXAMINER

MISLEH, JUSTIN P

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/662,439

Applicant(s)

HASEGAWA, TAKAMI

Examiner

Justin P. Misleh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it is broken into two paragraphs and exceeds 150 words in length. Correction is required. See MPEP § 608.01(b).
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 1a (figure 1).

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1 – 4 and 6** are rejected under 35 U.S.C. 102(e) as being anticipated by Hara et al.

6. For **Claim 1**, Hara et al. disclose, as shown in figures 6 and 7A – 7C, a camera image shake correcting device (74 and 80; see figure 6) comprising:

a mirror (59; see figures 7A – 7C) disposed in an intermediate portion of an optical path (A) connecting together an image-formation plane (@ 42; see figures 7A – 7C) of an image pickup optical system (A and B) of a camera (10; see figures 1 and 2) and an imaging lens (@ 42; see figures 7A – 7C);

mirror driving means (51 and 57; see figures 7A – 7C) for driving the mirror so that an angle of the mirror (B0 → B2) is changed in correspondence to displacement of an image on the image-formation plane caused by shake of the camera to cancel the displacement of the image on the image-formation plane (see paragraphs 100 – 104); and

control means (80; see figure 6) for controlling said mirror driving means (51 and 57) by detecting an amount of shake (84; see figure 6) of the camera or an amount of displacement of the image on the image-formation plane (see paragraphs 85 – 88).

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7. As for **Claim 2**, Hara et al. disclose, as shown in figure 4 and as stated in paragraph 68, the mirror (59) is disposed so as to reflect light incident thereon from the imaging lens at an angle of reflection in a range of from 35 to 55 degrees (The light bent at a right angle, which means the mirror's angle of reflection is 45 degrees and accordingly, within the claimed range).

8. As for **Claim 3**, Hara et al. disclose, as shown in figures 7A – 7C, 8A and 8B, and 10A and 10B, the mirror is pivotable about a center of a reflecting surface thereof (59).

9. As for **Claim 4**, Hara et al. disclose, as stated in paragraphs 69 and 113, the mirror can be a triangular prism, which is a beam splitter.

10. As for **Claim 6**, while the material of the mirror is not specified by Hara et al., it is inherent that the mirror is made from one of the following claimed materials: mirror-finished metal material or light-metal material, for example, an aluminum alloy, or a glass or resin material with a thin metal film attached thereto.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hara et al.

13. As for **Claim 5**, Hara et al. do not specify wherein said mirror is an infrared reflecting mirror.

However, **Official Notice** (MPEP § 2144.03) is taken that both the concepts and advantages of providing an infrared reflecting mirror are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included an infrared reflecting mirror as the mirror of Hara et al. for the advantage of *reducing the amount of false color in the captured image*.

Cited Prior Art

14. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure at least for the reason that Yamasaki et al. also disclose a camera shake compensating device that utilizes a mirror.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Vivek Srivastava can be reached on 571.272.7304. The fax phone number for the organization where this application or proceeding is assigned is 571.273.3000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM

October 2, 2006

A handwritten signature in black ink, appearing to read 'D. Ometz', with a long horizontal line extending to the right.

DAVID OMETZ
SUPERVISORY PATENT EXAMINER